

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SONIA R. HOLMES,

Plaintiff(s),

CASE NUMBER: 05-73174
HONORABLE VICTORIA A. ROBERTS

v.

JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant(s).

ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

On January 24, 2006, Magistrate Judge Virginia M. Morgan submitted a Report and Recommendation **[Doc. 17]** recommending that the Court grant Defendant's Motion for Summary Judgment **[Doc. 16]** and deny Plaintiff's Motion for Summary Judgment **[Doc. 15]**. The Court has not received objections from either party within the time frame provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(3). Instead, a request to withdraw Plaintiff's claim without prejudice, which is construed as a motion to dismiss the complaint, was filed on Plaintiff's behalf by Robert T. Sawyer **[Doc. 18]**. Mr. Sawyer purports to be Plaintiff's legal guardian and asserts that he wishes to withdraw the claim because Plaintiff does not have an attorney, and because she has new medical problems. However, the only document attached to support Mr. Sawyer's claim of guardianship is a Letter of Guardianship which expired in 2002.

Because the Court cannot rely upon expired papers as evidence that Mr. Sawyer is

legally entitled to act on Plaintiff's behalf, his motion is **DENIED**. And, because neither party filed objections to the Magistrate's Report and Recommendation, it is **ADOPTED**.

The Court, therefore, **GRANTS** Defendant's Motion for Summary Judgment and **DENIES** Plaintiff's Motion for Summary Judgment.

IT IS SO ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: March 17, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se plaintiff by electronic means or U.S. Mail on March 17, 2006.

S/Carol A. Pinegar

Deputy Clerk